

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID DALEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 3:24-CV-1518-NJR

**MEMORANDUM AND ORDER**

ROSENSTENGEL, Chief Judge:

This matter is before the Court on Plaintiff David Daley's motion for leave to proceed in this Court without prepaying fees or costs. (Doc. 4).

A federal court may permit an indigent party to proceed *in forma pauperis*, that is, without prepayment of fees or costs, as long as the action is not clearly frivolous or malicious. 28 U.S.C. § 1915(a)(1). The test for determining whether an action is clearly frivolous is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Corgain v. Miller*, 708 F.2d 1241, 1247 (7th Cir. 1983).

The Court is satisfied from Daley's affidavit that he is indigent. Furthermore, the Court does not find anything in the file to indicate this action is frivolous or malicious. (See Doc. 1). Therefore, the Court **GRANTS** the motion to proceed without prepayment of fees and costs. (Doc. 4). The Court notes, however, that it may dismiss the case

pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) should it become apparent in the future that the action is frivolous or malicious.

**IT IS SO ORDERED.**

**DATED: November 15, 2024**

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint, circular official seal of the United States District Court for the District of Columbia. The seal features an eagle with a shield, holding an olive branch and arrows, with the words "OFFICE OF THE CLERK" and "U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA" around the perimeter.

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**NANCY J. ROSENSTENGEL**  
**Chief U.S. District Judge**